

## **REMARKS**

In the office action dated April 2, 2004, the drawings were objected to under 37 C.F.R. 1.83(a) for not showing every feature of the claimed invention. The specification was also objected to for informalities. In addition, claims 17-19 were objected to because of informalities and claims 1-19 were rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential elements. Claims 1-19 were deemed to be allowable if rewritten to overcome the rejections under §112.

In this response, Applicant has amended the specification and drawings and claims 1, 2, 8, 9, 17, and 19. Applicant has also added new claim 20. Claims 1-20 remain pending in this application. Withdrawal of the rejections and objections in view of the amendments and following remarks is hereby respectfully requested.

### **A. Interview:**

Applicant's attorney, Thomas P. Canty, had a telephonic interview with Examiner Pape on June 29, 2004, in which the objections and rejections and the grounds therefore were discussed. No exhibits were shown or demonstrated and no agreement was reached.

### **B. Objections to the Drawings:**

The drawings were objected to because the trunk lid was misnumbered and under 37 C.F.R. 1.83(a) for not showing every feature of the claimed invention. Specifically, the Examiner asserts that the actuation device and actuator in claims 2, 6, and 19 and the third latching mechanism in claim 14 must be shown.

Applicant has amended Fig. 1 to replace the reference number "24" with the correct reference number --17-- indicating the trunk lid as suggested by the Examiner. Applicant thanks the Examiner for pointing out the error.

Applicant has also amended claim 2 to more clearly recite that the actuation device is "for use" in moving the stowage cover between the covering position and the stored position. Applicant has also amended Fig. 5 of the drawings to schematically show two electric motors underneath middle flap 13 and latch 32 on the underside of trunk lid 17. Applicant has also

amended paragraphs 0026, 0027, and 0029 of the specification to add the reference numbers 31, 32, and 33 for those features, which were described in the original patent application as filed. No new matter has been added.

Applicant respectfully submits that the actuator of claim 2 is now shown in the form of electric motor 33 in Fig. 6, that the folding actuator of claim 6 is now shown in the form of electric motors 31 in Fig. 5, and that the latching mechanism of claim 14 is shown in the form of latch 32 in Fig. 5.

Applicant has also amended claim 19 to clarify that the actuation device is used to perform the opening step. Applicant respectfully submits that an example of such structure for performing the opening step is shown in Fig. 3 in the form of hydraulic cylinders 21.

Withdrawal of the objections to the drawings is respectfully requested.

**C. Objections to the Specification:**

The specification was objected to for informalities. Applicant has amended paragraphs 0025 and 0029 as suggested by the Examiner.

Withdrawal of the objections to the specification is respectfully requested.

**D. Objections to the Claims:**

Claims 17-19 were objected to for informalities. Applicant has amended claim 17 as suggested by the Examiner.

Withdrawal of the objections to the specification is respectfully requested.

**E. Rejections under 35 U.S.C. § 112, Second Paragraph:**

Claims 1-19 were rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential elements. Specifically, the Examiner asserted that the connecting apparatus configured to guide the stowage cover between the covering and the storing position in claim 1 was omitted. No missing structure was pointed out for the method of independent claim 17.

Applicant has amended claim 1 to add the feature of a trunk lid and to recite that the intermediate panel is supportable by the trunk lid. In addition, Applicant clarified the language

to recite that the stowage cover is moveable between the covering and stored position "using the connecting apparatus." Applicants submit that the phrase "connecting apparatus" is sufficiently described structurally in the Application, for example, at paragraphs 0007 and 0025.

Applicant has also amended claim 17 to add the trunk lid and to recite that the intermediate panel is supported on the trunk lid. In addition to correcting informalities by changing "am" to --an--, Applicant also removed a double period at the end and changed "the storage cover" to --a storage cover--. Claim 8 was amended to be consistent with the changes to claim 1 and claim 9 was amended to change its dependency to claim 1.

Applicant respectfully submits that the amendments to claims 1 and 17 have overcome the rejection under 35 U.S.C. § 112, second paragraph. Withdrawal of the rejection is respectfully requested.

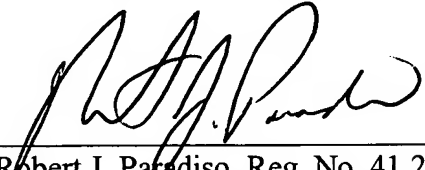
**F. New Claim 20:**

Applicant has also added new independent claim 20 and submits that it is patentably distinct from the cited prior art.

**CONCLUSION**

It is respectfully submitted that the application is now in condition for allowance. Should the Examiner feel that an interview would advance prosecution of the present application, the Examiner is invited to contact the undersigned.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
Robert J. Paradiso, Reg. No. 41,240  
(signing for Thomas P. Canty, Reg. No. 44,586)

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
(212) 736-1940